

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 28, 2003
AT 10:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:09 a.m. The meeting was recessed by Mayor Murphy at 11:19 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:25 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:59 a.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 4:01 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:12 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:13 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 4:43 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:07 p.m. into Closed Session. The meeting was reconvened by Mayor Murphy at 5:45 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:01 p.m. into Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (gs/ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Dr. Paul Fisher of the Chula Vista Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO THE CITY MANAGER**

Henry Olivas commented on the trimming of trees and the condition of eucalyptus trees in Balboa Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:42 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on the rent increases in San Diego and the real possibility of people living on fixed incomes becoming homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:45 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on the failure of the City Attorney to notify him on the status of the "F" Street Bookstore.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:47 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross expressed his concerns on the present Rosecrans median strip plans and the dangers for the residents of that area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:49 a.m.)

PUBLIC COMMENT-5:

Noel Neudeck commented on the unfairness in which he was denied the opportunity to attend the Super Bowl game in person because of his disability.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:52 a.m.)

PUBLIC COMMENT-6:

Mignon Scherer commented on the traffic in the Sports Arena Boulevard area and the possibility of future plans making it worse.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

PUBLIC COMMENT-7:

Bonnie Russell expressed her concerns with the Family Justice Center and a practicing therapist working without a license.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 11:00 a.m.)

PUBLIC COMMENT-8:

Kathleen Blavatt commented on the recycling of trees at NTC and children attending school during a toxic cleanup.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

PUBLIC COMMENT-9:

John McNab commented on the stealing of tax funds and public lands from the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:06 a.m.)

PUBLIC COMMENT-10:

Michael Barbee commented on the need for medical marijuana and the misrepresentation of people speaking during public comment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:09 a.m.)

PUBLIC COMMENT-11:

Alia Khalil and Ben Weil expressed their concerns as teenagers and the mixed message being sent to the youths of San Diego regarding the use of marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. - 11:12 a.m.)

PUBLIC COMMENT-12:

Arleen Freeman commented on the torturing of people in China and the position taken by the City of San Diego regarding international affairs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. - 11:15 a.m.)

PUBLIC COMMENT-13:

Ron Boshun commented on the silence of Council on certain issues and the secret meaning behind that silence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:18 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins stated that this date is the 30th anniversary of Roe v. Wade, a significant civil rights issue for women.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:12 p.m.)

COUNCIL COMMENT-2:

Council Member Madaffer commented on how the Super Bowl experience in San Diego was a plan that unfolded flawlessly and that the beautiful weather in San Diego made it a real success. Council Member Madaffer also commented on hosting the Super Bowl in the future. In addition, he stated that any decision on a new stadium will be made by the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:16 p.m.)

COUNCIL COMMENT-3:

Council Member Lewis commented on the Martin Luther King Parade in San Diego in the Fourth District and wished to thank those involved for their participation. Council Member Lewis also mentioned that the Diamond Business District honored 27 former students of Lincoln High School and that Channel 4 expressed interest and showed up to televise the event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. - 2:19 p.m.)

COUNCIL COMMENT-4:

Council Member Peters wished to commend Joel Brighton from Penasquitos for his work with the Police Department and what he does for the quality of life of the people in Penasquitos. Council Member Peters also mentioned that the Mesa Verde Geography Olympiad Team took first place in the middle school division at the San Diego County Olympiad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. - 2:20 p.m.)

CITY ATTORNEY COMMENT:

NONE

CITY MANAGER COMMENT:

NONE

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

12/09/2002
12/10/2002
12/16/2002 Adjourned
12/17/2002 Adjourned
12/23/2002 Adjourned
12/24/2002 Adjourned
12/30/2002 Adjourned
12/31/2002 Adjourned
01/06/2003
01/07/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:12 a.m. - 10:12 a.m.)

MOTION BY MAIENSCHIN TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Coach John Shacklett Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-904) ADOPTED AS RESOLUTION R-297557

Extending immense gratitude to Coach John Shacklett for his dedication and commitment in teaching students and players how to achieve their goals and become valuable assets to society;

Proclaiming January 28, 2003 to be "Coach John Shacklett Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Exempting One (1) Assistant Deputy Director from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/7/2003. (Council voted 8-0. Councilmember Madaffer not present.):

(O-2003-96) ADOPTED AS ORDINANCE O-19143 (New Series)

Exempting an Assistant Deputy Director position from the classified service in the Street Division of the Transportation Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: Removal of 2-Hour Parking Meters and Establishment of a 2-Hour Un-Metered Parking Zone on the South Side of Ivy Street between Third Avenue and Fourth Avenue.

(Uptown Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/7/2003. (Council voted 8-0. Councilmember Madaffer not present.):

(O-2003-99) ADOPTED AS ORDINANCE O-19144 (New Series)

Removing parking meters from the south side of Ivy Street between Third Avenue and Fourth Avenue;

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted, on the south side of Ivy Street between Third Avenue and Fourth Avenue;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*** ITEM-52: Barrio Logan Planned District Ordinance Amendment.**

Matter of approving, conditionally approving, modifying or denying an amendment to the Barrio Logan Planned District Ordinance to prohibit the establishment of new chrome plating businesses within the boundaries of the Barrio Logan Planned District.

The amendment to the Barrio Logan Planned District Ordinance would be effective within the Coastal Overlay Zone, therefore, the City Council's decision would amend the City's Local Coastal Program. As a result, the final decision on this amendment will be with the California Coastal Commission. The amendment will not be effective within the Coastal Overlay Zone until the Coastal Commission effectively certifies the amendment and the City has provided notice. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to Development Services Department, 1222 First Avenue, San Diego, CA 92101, attention: Scott Donaghe, Senior Planner, M.S. 501 before the close of the City Council public hearing.

(Barrio Logan Community Plan area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/7/2003. (Council voted 8-0. Councilmember Madaffer not present.):

(O-2003-92) ADOPTED AS ORDINANCE O-19145 (New Series)

Amending Chapter 10, Article 3, Division 9, of the San Diego Municipal Code, by amending Sections 103.0902, 103.0926, and 103.0946, all relating to Barrio Logan Planned District.

FILE LOCATION: LAND-Barrio Logan Community Plan Area, Barrio Logan
Planned District Ordinance Amendment (10)

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Request to Exempt a Position from Classified Service to Unclassified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/13/2003. (Council voted 9-0):

(O-2003-101) ADOPTED AS ORDINANCE O-19146 (New Series)

Exempting the position of Assistant Deputy Director from the classified service and declaring the position to be in the unclassified service of the City of San Diego pursuant to Section 117(a)17 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Addition of One Council Representative Position in Council District One.

COUNCILMEMBER PETERS' RECOMMENDATION:

Introduce the following ordinance:

(O-2003-100) INTRODUCED, TO BE ADOPTED ON MONDAY,
FEBRUARY 10, 2003

Introduction of an Ordinance exempting a Council Representative I Position from the classified service for Council District One.

SUPPORTING INFORMATION:

Addition of One Council Representative Position in Council District One. No additional funding is requested with this action. Position will be funded using existing FY 2003 budget allocation.

Peters

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-55: Office Space Lease Amendment - Clairemont Community Service Center.

(Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-87) CONTINUED TO MONDAY, FEBRUARY 10, 2003

Introduction of an Ordinance authorizing the City Manager to execute a Third Amendment to Lease agreement with the State Teachers Retirement Board of Ohio for the Clairemont Community Service Center and Police Storefront Center at a monthly rent of \$4,375.

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,546 from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 from the Police Department Fund 100, Dept. 110 for FY03.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City's Clairemont Community Service Center and Police Storefront have been occupying space at 4731 Clairemont Mesa Boulevard since July 15, 1997. The Landlord has consented to extend their existing leased space and public Community Room space. The City is proposing to extend the lease under the following basic lease terms:

EXTENSION TERM - Five (5) years, expiring August 31, 2007 for the CSC and Police Storefront. The leased space for the public Community Room will be extended for one (1) year, expiring August 31, 2003.

RENT - \$1.25 per square foot or \$4,375 per month for the CSC and Police Storefront space. The rent will remain flat throughout this extension term. No rent will be charged for the Community Room space. The rent is below market value compared to other space in the area.

USE - Community Service Center, Police Storefront, and community meeting usage.

SIZE - The CSC space is approximately 2,492 square feet. The Police Storefront is approximately 1,008 square feet, and the Community Room is approximately 1,500 square feet. Total square feet is 5,000.

FISCAL IMPACT:

An additional \$22,546 will be paid from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 will be paid from the Police Department Fund 100, Dept. 110 for FY03.

Herring/Griffith/DLM

Aud. Cert. 2300648.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:12 p.m.)

MOTION BY FYRE TO CONTINUE TO FEBRUARY 10, 2003 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Award Contract for Pump Stations 1 and 2 Fiber Optic Installation.

(See memorandum from Scott Tulloch dated 12/5/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-897) ADOPTED AS RESOLUTION R-297558

Authorizing the City Manager to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the installation of the Fiber Optic Communication System between Pump Stations 1 and 2 (the Project) in an amount not to exceed \$966,742, of which \$24,255 is from CIP-68-110.0, Annual Allocation -

Modernize Top 10-15 Traffic Signals, and \$942,487 is from CIP-41-926.0, Annual Allocation - Pump Stations 1 and 2;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,118,697 from Fund 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET) to Fund 41509, CIP-41-926.0, Annual Allocation - Pump Stations 1 and 2;

Authorizing the expenditure of an amount not to exceed \$1,118,697 from Fund 41509, CIP-41-926.0, Annual Allocation - Pump Stations 1 and 2, of which \$942,487 is for the construction, and \$176,210 is for related costs for the Fiber Optic Systems Installation between Pump Stations 1 and 2, and \$94,249 from Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency, for project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/11/2002, NR&C voted 4 to 0 to approve. Staff was requested to, in the future, include storm water pollution prevention plans projects backup when applicable. (Councilmembers Zuchett, Lewis, Frye and Inzunza voted yea. Councilmember Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

This request is for the authorization to award the construction contract to HMS Construction, the third lowest responsible bidder with a construction cost bid of \$966,742, for the installation of the Fiber Optic Communication System between Pump Stations 1 and 2.

On December 18, 2001, the City Council approved the advertisement for bids for the Fiber Optic Communication System between Pump Stations 1 and 2 to be funded and expended from CIP-45-920.0, Wastewater Operations and Management Network (COMNET). The bids were opened on May 21, 2002, and later rejected, due to non-responsiveness of some contractors (not acknowledging Addendums or not possessing the correct license). Subsequently, taking the opportunity to further clarify the plans and specifications, the project was re-advertised and bids were opened on September 11, 2002. The two lowest bidders did not meet EOCP's requirements. The third lowest responsible bidder is HMS Construction, from San Marcos, California. Their bid of \$966,742 is \$72,186 above the engineer's estimate of \$894,556. Since advertising, it has been determined that the authorization to expend for this work should be funded from CIP-41-926.0, Annual Allocation - Pump Stations 1 and 2, and that the appropriations, which were initially budgeted in CIP-45-920.0, should be transferred accordingly.

The Fiber Optic Communication System is the major backbone of COMNET. The purpose of COMNET is to integrate the monitoring and control of all the treatment, storage, metering, and pumping facilities in the MWWD sewerage system. This fiber optic network enables the Operations and Maintenance (O&M) Staff to efficiently monitor and control plant processes. Because of the reliability of fiber optics, the monitoring and control of these plant processes can be performed by O&M from a Central Control and Information Center (COMC), which is located at the Metro Operations Center (MOC II) in Kearny Mesa. Ultimately, more than 200 site locations will be linked and monitored by COMNET. Included in the 200 sites are Pump Stations 1 and 2, the City of San Diego's two major wastewater pumping stations. Approximately 180 MGD (million gallons per day) of sewage is processed through these two facilities on a daily basis. The implementation of this contract will complete the fiber optic system between the two pump stations. As part of this construction contract, additional fiber capacity will be provided for the Transportation and Drainage Division to facilitate traffic signal interconnect between the City Traffic Control Center and the South Bay communities. This action was approved by the Metro Commission on 11/15/02. The owner of HMS Construction is Michael Charles High, CEO/President. His Officers are James Louis Levstik and Ronald Ivan Schneider, Jr.

FISCAL IMPACT:

The total request of this action is \$1,212,946, of which \$1,118,697 is to be funded from CIP-41-926.0, Annual Allocation - Pump Stations 1 and 2, and \$94,249 is to be funded from CIP-46-502.0, Annual Allocation -Clean Water Pooled Contingency.

Mendes/Tulloch/JMM

Aud. Cert. 2300721.

FILE LOCATION: CONT-HMS Construction; W.O. 195034

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: First Amendment to the Consultant Agreement with Boyle Engineering Corporation for La Jolla Village Drive/I-805 and Miramar Road Widening.

(North University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-893) ADOPTED AS RESOLUTION R-297559

Authorizing the City Manager to execute the First Amendment to the Agreement with Boyle Engineering Corporation, Inc., for Consulting Services [Agreement] relating to the La Jolla Village Drive/I-805 and Miramar Road Widening Project;

Authorizing the expenditure of an amount not to exceed \$131,416 from CIP-52-485.0, Facilities Benefit Assessment Fund 79001, and \$321,695 from CIP-52-679.0, Facilities Benefit Assessment Fund 79001;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The subject project consists of the reconstruction of La Jolla Village Drive/Miramar Road I-805 Interchange and widening of La Jolla Village Drive/Miramar Road 1-805 overcrossing and its approaches. In addition, Miramar Road would be widened to 8 lanes from Eastgate Mall to I-805.

On March 29, 2002, per RR-296192, the City Council approved a consultant agreement with Boyle Engineering Corporation for preparation of plans and specifications for the subject project. The first Amendment to the Agreement will provide separation of one construction contract into two, an I-805 "Interchange" project and a "Miramar Road" widening project.

Splitting the project into two construction contracts, would potentially accelerate the City's Miramar Road portion of the project by 6 to 9 months because Caltrans oversight review and contract award process would not be required. In addition, the acquisition of a roadway easement from two commercial business parcels at the northeast-corner of Miramar Road and Eastgate Mall would not be included in the Caltrans interchange portion of the project. This would give the City of San Diego more flexibility in scheduling and eliminate any delay to the interchange project associated with the roadway easement acquisition process.

FISCAL IMPACT:

Funding necessary for this action, in the amount of \$453,111 are available from CIP-52-485.0, La Jolla Village Drive/I-805 Interchange project and CIP-52-679.0, Miramar Road project. The base fee to split the project is \$253,395, which includes, but not limited to, a revised traffic management plan, additional construction staging plans and coordination between projects. An additional \$131,416 is needed to supplement the interchange project for design changes and \$68,300 is available for additional services related to the Miramar Road widening project.

Loveland/Belock/PB

Aud. Cert. 2300722.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-102: Second Amendment to the Consultant Agreement to Montgomery Field Airport (MYF) Rehabilitation, Electrical and Signage Project (Phase II) with HNTB Corporation.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-760) ADOPTED AS RESOLUTION R-297560

Authorizing the City Manager, or his designee, to execute a Second Amendment to Agreement with HNTB Corporation, increasing the scope of work and the contract amount by \$107,990, for the Montgomery Field Airport Rehabilitation, Electrical and Signage Project, Phase II;

Authorizing the expenditure of an amount not to exceed \$107,990 from CIP-31-332.0, Montgomery Field Airport Rehabilitation, Electrical and Signage Project.

CITY MANAGER SUPPORTING INFORMATION:

This Second Amendment to the Agreement for the Montgomery Field Airport Rehabilitation, Electrical and Signage Project, modifies the original scope of work and total compensation with HNTB Corporation to complete Phase II of the project, on a time and materials basis. This Second Amendment includes weekly progress meetings, material and product submittals, request for information, clarifications, and change order disputes.

The original contract with the consultant did not anticipate additional design work that was recently requested and required by the Federal Aviation Administration's Runway Safety Action Team. These new requirements will reduce the potential of runway incursions and increase airport operational safety and efficiency.

Additionally, the original contract did not include construction oversight by HNTB. Now that the project is under construction, additional oversight has become necessary in order to better handle traffic flow and the needs of the airport users to avoid runway incursions.

The modifications requested will require additional design work, coordination with the construction contractor, and attendance at various coordination meetings. The Agreement is

being modified to ensure that any unexpected future construction issues are considered and detailed in the final plans and specifications.

The total contract amount with HNTB is now \$345,596.

FISCAL IMPACT:

The fee for providing the consultant services under the Agreement now totals \$345,596. The amount of \$177,606 is for the original agreement, \$60,000 is for the First Amendment and \$107,990 is for the Second Amendment. The funding is available from CIP-31-332.0, Montgomery Field Airport Rehabilitation, Electrical and Signage Project Phase II.

Herring/Griffith/Means

Aud. Cert. 2300671.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Change Order No. 2 for the Construction of Water & Sewer Group 537.

(See memorandum from Frank Belock, Jr. dated 10/16/2002. Centre City Community Area. Districts-2 and 3.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-858) ADOPTED AS RESOLUTION R-297561

Approving Change Order No. 2, with Orion Construction for Water and Sewer Group 537, increasing the contract price by \$307,305;

Authorizing the expenditure of an amount not to exceed \$345,530 from Sewer Revenue Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury:

\$307,305 - for Construction Change Order No. 2;
\$ 12,500 - for City related costs;
\$ 25,725 - for additional project contingency

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/23/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 537 is part of Sewer and Water Replacement Group 2000, which is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project includes replacement of 5,768 linear feet of 6, 8, and 12-inch cast iron water mains. It includes the construction of two pedestrian ramps and re-paving and slurry sealing of the impacted streets. The streets affected by construction operations within this project are: Park Boulevard, 16th Street, 13th Street, 10th Avenue, and 11th Avenue.

It has been determined that 1,070 linear feet of existing sewer main on 13th Street must be upgraded from 6 to 10 inch line to ensure reliability in keeping up with the rapid development in the downtown area. Change Order No. 2 will add this sewer main work to the water main replacement which is already in progress. This will minimize the impacts associated with the construction operations on the residents, businesses and traffic within the projects' boundaries. It will also avoid the need to replace the pavement along 13th Street after a separate sewer main project.

Traffic control plans have been prepared for this project and will be implemented during construction operations. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again ten days before construction begins by the contractor through hand distribution of notices.

FISCAL IMPACT:

The total estimate of this request is \$345,530. Funds of \$345,530 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this request.

Loveland/Belock/HR

Aud. Cert. 2300703.

WWF-03-629.

FILE LOCATION: CONT-Orion Construction W.O. 17535A, 184961A,
174801A, 184171A, 173921A, 173881A, and 184061A

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Pipeline Rehabilitation in the ROW - Phase A, Change Order #2.

(See memorandum from Scott Tulloch dated 11/6/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-887) ADOPTED AS RESOLUTION R-297562

Authorizing the City Manager to negotiate and execute a Change Order to the contract with Insituform Technologies, Inc. in an amount not to exceed \$650,000, for the installation of approximately (65) sixty-five end of the line manholes, and related costs;

Authorizing the additional expenditure of an amount not to exceed \$406,072 from Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW - Phase A, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On October 10, 2001, the City Council authorized Resolution Number R-295526 for the construction of the Pipeline Rehabilitation - Phase A contract for the lining and rehabilitation of twenty six (26) miles of sewer pipeline. A construction contract was awarded to Insituform Technologies, Inc. in the amount of \$11,965,336.

This request is for approval of Change Order #2 for an amount not to exceed \$650,000 for the installation of sixty five (65) end of the line manholes. In the process of rehabilitating sewer mains, sixty five (65) locations were identified where the sewer line is terminated with a plug, instead of a manhole. The end of the line manholes are needed to permit rehabilitation of the existing sewer main and for access for periodic maintenance and cleaning in accordance with City design guidelines. It is recommended that this work be added to the existing scope of the Phase A contract so that work can be completed without interruption of the lining of the twenty six (26) miles of sewer mains. Insituform Technologies, Inc. is a publically traded company. Mr. Anthony Hooper is the Chief Executive Officer (CEO) and President.

MBE / WBE Utilization: The Phase A Contract includes \$1,881,770 (15.73%) of the work to be performed by Black IPO, DBE. Change Order #2 allocates no additional work to DBE or DVBE firms.

FISCAL IMPACT:

This request is for \$650,000 and is available in Sewer Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW - Phase A.

Mendes/Tulloch/MPL

Aud. Cert. 2300719.

FILE LOCATION: CONT-Insituform Technologies Inc., W.O. 177291

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Angle Parking on Falcon Street.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-874) ADOPTED AS RESOLUTION R-297600

Approving the installation of angle parking on the east side of Falcon Street between W. Washington Street and Fort Stockton Drive, pursuant to the San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the east side of Falcon Street, between W. Washington Street and Fort Stockton Drive. Currently there is parallel parking in this segment. This action will provide approximately 5 additional parking spaces. Council approval is required, according to Municipal Code Section 86.03.

A petition representing 100% of the property owners was submitted in support of this action. The Uptown Planners support this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:43 p.m. - 4:46 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Establishing a Truck Prohibition on Cesar Chavez Parkway from Commercial Street to Harbor Drive.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-875) RETURNED TO THE CITY MANAGER

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Cesar Chavez Parkway from Commercial Street to Harbor Drive, pursuant to the California Vehicle Code Section 35700 et seq., and San Diego Municipal Code Section 85.04;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is to establish a truck prohibition on Cesar Chavez Parkway from Commercial Street to Harbor Drive. The San Diego Unified Port District has requested that commercial vehicle traffic be rerouted from Cesar Chavez Parkway to 28th Street in order to access Port District facilities. Cesar Chavez Parkway is a substandard 4-lane major facility which primary purpose is to provide access to the Barrio Logan Community and Port District facilities. The San Diego

Port District has determined that the preferred access to the facilities from I-5 north and southbound is via the 28th Street I-5 exit ramps. Staff concurs with the Port District's determination that 28th Street is the most appropriate access to port facilities for commercial vehicles. The Barrio Logan Planning Area Committee is in support of this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:33 - 10:34 a.m.)

MOTION BY INZUNZA TO RETURN THE ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Establishment of 2-Hour Un-metered Parking Zones on Grand Avenue and Balboa Avenue.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-732) ADOPTED AS RESOLUTION R-297563

Establishing Two-Hour Unmetered Parking Zones, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Balboa Avenue east of Morrell Street for 110 feet and on the north side of Grand Avenue east of Morrell Street for 110 feet;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is to establish 2-hour un-metered parking zones, 8:00 a.m. to 6:00 p.m., Sundays and certain holidays excepted, on the south side of Balboa Avenue east of Morrell Street for 110 feet, and on the north side of Grand Avenue east of Morrell Street for 110 feet. The businesses fronting these two locations, submitted a petition in favor of 2-hour un-metered parking. The locations were evaluated and it was determined that they met the criteria established in Council Policy 200-04 for the installation of 2-hour un-metered parking. Also, a parking duration study was performed and it showed that 2-hour un-metered parking is suitable for these two locations. Furthermore, the Pacific Beach Community Planning committee is in support of this action.

FISCAL IMPACT:

Funds for installation of signs for the un-metered time limit parking is budgeted within the Transportation Department, Street Division's operating fund.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: FY03/04 California Arts Council Arts Education Demonstration Project Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-848) ADOPTED AS RESOLUTION R-297564

Authorizing and directing the City Manager to accept and administer the California Arts Council (CAC) grant in the amount of \$98,280 to support the San Diego Arts Education Partnership, and to implement related activities in partnership with the San Diego Unified School District;

Authorizing the City Auditor and Comptroller to expend the CAC grant in the amount of \$98,280.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture (Commission) has received a grant for \$98,280 from the California Arts Council's (CAC) Arts Education Demonstration Project Program to support the San Diego Arts Education Partnership, a collaborative effort of the City of San Diego Commission for Arts and Culture and the San Diego Unified School District Visual and Performing Arts Department. The Partnership is responsible for ensuring that a comprehensive education in the arts is offered to every student in the District through the development of a new curriculum, teaching training programs and the inclusion of experiential learning opportunities provided by local arts and culture organizations.

The San Diego Arts Education Partnership is a public/private partnership charged with raising funds, organizing and implementing advocacy efforts and ensuring that the Partnership meets its goals and objectives. Funding will be used to 1) maintain a consultant responsible for the Partnership's administrative oversight, marketing, and public relations and coordinating needs; 2) fund in-school residencies; and 3) provide professional development workshops for arts and culture organizations funded through the Commission's Allocations Programs.

No cash match is required.

The contract is effective from December 1, 2002 through December 30, 2003.

FISCAL IMPACT:

No fiscal impact to the City. The program is covered in its entirety by the CAC grant.

Herring/Hamilton/VS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Terrabrook Park Site.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-827) ADOPTED AS RESOLUTION R-297565

Authorizing the City Auditor and Comptroller to appropriate and the City Manager to expend an amount not to exceed \$278,000 from CIP-29-764.0, Carmel Valley Community Park - South Neighborhood Park, Fund No. 79008, for the acquisition of property rights from Westbrook Torrey Hills, L.P., and for labor, title escrow and miscellaneous costs;

Declaring Condition 1.4 of the Torrey Hills Neighborhood Park Development Agreement dated January 8, 1998 as satisfied, and authorizing the City Manager to release the performance bond posted by Westbrook Torrey Hills, L.P. in the amount of \$624,750.

CITY MANAGER SUPPORTING INFORMATION:

Project #21 A-1 in the Carmel Valley Public Facilities Financing Plan will provide a 20-acre community park in Neighborhood 8A of Carmel Valley, serving the residents of both Carmel Valley and Sorrento Hills. A 4.978 acre parcel must be purchased from Westbrook Torrey Hills, L.P., to complete the acreage required for the site. The value of this land, including frontage improvements, interest and taxes, is determined to be \$807,269. At the same time, Westbrook Torrey Hills, L.P., has an obligation through the Sorrento Hills Development Agreement to provide 1.05 developed acres of park land at the Neighborhood 8A community park to serve the recreational needs of the residents of Sorrento Hills. The value of this park acreage, with development costs added, is determined to be \$538,153.

This action is to provide a cash payment of \$269,116 for 4.978 acres of land to Westbrook Torrey Hills, L.P. This amount represents the net difference between the amount owed to Westbrook for the 4.978 acres, \$807,269, and the amount Westbrook owes the City for 1.05 acres for park land mitigation, \$538,153, the difference being \$269,116.

FISCAL IMPACT:

The amount of \$278,000 is available in CIP-29-764.0, Fund No. 79008.

Herring/Griffith/RAG

Aud. Cert. 2300628.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Uptown Historic Context Study.

(Uptown Community Planning Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-704) ADOPTED AS RESOLUTION R-297566

Authorizing the acceptance, execution and expenditure of a Certified Local Government, Historic Preservation Fund Grant from the California Office of Historic Preservation, Department of Parks and Recreation, for the preparation of the Uptown Historic Context Study.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, Planning Department, submitted a grant request to the California State Office of Historic Preservation (OHP), Certified Local Government (CLG) Program, Department of Parks and Recreation for \$25,000. This CLG grant is allocated through the Historic Preservation Fund (HPF) and administered by the Office of Historic Preservation on a competitive basis.

On June 18, 2002 OHP informed the City of San Diego, Planning Department of a \$20,000 CLG grant award to prepare a historic context study for Uptown. The Planning Department will issue a Request for Proposal (RFP) to hire, through a competitive selection process, a qualified team of consultants to perform the advertised scope of work.

The Uptown Historic Context Study will provide social and economic development themes for areas identified in the Uptown Historical Survey, expected to begin Fall 2002. By identifying Uptown's various social and cultural layers, the history of its physical and cultural development will contribute to a more comprehensive understanding of the community's built environment and social history. The work has to be completed by September 2003.

A required match of \$13,333 will be covered by \$100,000 funded for Uptown Historical Survey. \$100,000 are \$70,000 federal funds and \$30,000 CDBG allocation.

FISCAL IMPACT:

The City of San Diego will receive a \$20,000 grant to prepare the Uptown Historic Context Study for the Uptown Historical Survey from the California State Office of Historic Preservation, Department of Parks and Recreation, Certified Local Government Program, Historic Preservation Fund. All work must be completed by September 2003.

Ewell/Goldberg/NJP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-111: Reprogramming of District Six Community Development Block Grant Funds to the Lead Safe Neighborhoods.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-859) ADOPTED AS RESOLUTION R-297567

Authorizing the reprogramming of an amount not to exceed \$92,160 from Council District Six FY2000 Community Development Block Grant (CDBG) fund allocation for the 1st Time Home Buyer's Program to the Lead Safe Neighborhoods Program;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$92,160 from Fund 18535, solely and exclusively, for the Lead Safe Neighborhoods Program.

CITY MANAGER SUPPORTING INFORMATION:

In the FY00 CDBG allocation process, Council District Six allocated funding to be used for the San Diego Housing Commission's (Commission) Home Works! Program. Home Works! Is a purchase and rehabilitation program for first-time home buyers who earn 80% or less of the Median Area Income. At that time, the program was successful with purchase prices around \$120,000 to \$130,000. District 6's home prices increased to at least \$40,000 above that amount and consequently the program was not feasible as potential home buyers could not qualify for the higher priced homes. The program was marketed aggressively with real estate agents and lenders, however, none of the CDBG funds were utilized.

The Commission and Council District 6 agree that the remaining \$92,160 should be reallocated for another use. This council action will allow the transfer of these funds to the City's Lead Safe Neighborhood Program (LSNP) to assist in the implementation of LSNP and the Linda Vista lead hazard pilot program that will provide identification, abatement, and education on lead hazards.

FISCAL IMPACT:

There is no fiscal impact for this action.

Loveland/Hays/AJJ

Aud. Cert. 2300704.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: California Coastal Commission Grants and Related Agreements.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-865) ADOPTED AS RESOLUTION R-297568

Authorizing the City Manager to submit grant applications to the California Coastal Commission for educational projects;

Designating the Deputy Environmental Services Director as the person authorized and empowered to sign all California Coastal Commission grant-related documents including contracts, subcontracts and agreements on behalf of the City;

Authorizing and empowering the Deputy Environmental Services Director to accept, expend and administer grant funds from the California Coastal Commission.

CITY MANAGER SUPPORTING INFORMATION:

The California Coastal Commission is a state regulatory and planning agency that operates under the 1976 Coastal Act to manage the conservation and development of coastal resources in

California. The Commission's Public Education Program works to increase public knowledge of coastal and marine resources and to engage the public in coastal protection and restoration activities. In 1998, the Coastal Commission started a grant program that currently focuses on Adopt-A-Beach programs and other more general and broad ranging marine and coastal education projects. Grants are available for amounts up to \$50,000. Environmental Services Department will request \$20,000 and can apply in kind contributions worth \$35,000 from existing budgeted programs.

The City of San Diego is required by California State law to reduce the amount of solid waste disposed in landfills by 50% and to make a good faith effort to implement programs as described in the City's Source Reduction and Recycling Element. To achieve these goals, the City continues to promote the benefits of waste reduction and recycling through school education and source reduction programs as part of its waste reduction and diversion strategy. The City desires both to continue and expand these efforts, including the expansion of EnviroSchool, an educational environmental program which currently reaches 500 students annually and is hosted at Ridgehaven's Green Building, and the creation of an interactive marine display/program, which will focus on watershed issues in the San Diego region and illustrate how the types of pollution and waste that accumulate upstream affect the coast and the ocean.

The funds from these grants will assist the City's efforts to meet State mandated solid waste diversion goals and will allow the City to further expand the educational efforts and outreach to all schools located within the San Diego city limits.

FISCAL IMPACT:

There is no anticipated fiscal impact resulting from this action.

Loveland/Hays/KP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-113: Grant Request for \$362,000 State of California Department of Water Resources Urban Streams Restoration Program Grant.

(Southeastern Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-882) ADOPTED AS RESOLUTION R-297569

Authorizing the City Manager and/or his designee to make a joint application with the Southeastern San Diego Planning Committee to the State of California Department of Water Resources, Division of Planning and Local Assistance, Urban Streams Restoration Program for grant funding for the Chollas Creek Enhancement Program;

Authorizing the City Manager and/or his designee to take all necessary actions to secure funds from the State of California, Department of Water Resources, Urban Streams Restoration program for the Chollas Creek Enhancement Program;

Authorizing the City Auditor and Comptroller to accept, appropriate, expend funds, and establish a special interest bearing fund for the grant, if the grant is secured;

Authorizing the City Auditor and Comptroller upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2003 Capital Improvements Program Budget by increasing CIP-37-446.0, Chollas Creek South Branch Phase One Implementation by \$362,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$362,000 upon receipt of a fully executed grant agreement, from CIP-37-446.0, Chollas Creek South Branch Phase One Implementation for the purpose of creek enhancement.

CITY MANAGER SUPPORTING INFORMATION:

Chollas Creek is a natural drainage channel that traverses Southeastern San Diego from Mid-City and Encanto to San Diego Bay. Through its many branches, the creek collects storm water runoff within a 27 square mile area in urban San Diego. This grant funding will be used for the

restoration of wetlands along an approximately one quarter mile segment of Chollas Creek. The City of San Diego is undertaking the Chollas Creek Enhancement Program designed to comprehensively improve environmental, safety and economic conditions within Southeastern San Diego by re-establishing a stable, healthy and sustainable creek environment. It will accomplish this by restoring and creating functional wetland systems, removing concrete channelization, and by increasing the area of floodplain to prevent high water flows and bank failures.

Enhancement of the creek channel along this stretch is vitally important to establishing a self-sustainable ecosystem that is in equilibrium with the surrounding landscape. Non-native plants will be removed, so that native plant species can flourish once they are planted. The City Council has recently adopted an Enhancement Program for Chollas Creek which has identified groundwater availability, soil suitability, potential creek alterations, appropriate plant species composition, and the establishment of restoration concepts to successfully implement this project.

The City has already received other grant funding for adjacent sections of the creek, and, some restoration and enhancement is already underway as a result of mitigation measures taken by major development projects adjacent to the creek. This section is a vital link which needs to be completed, to ensure the success of the Chollas Creek Enhancement Program.

FISCAL IMPACT:

This action authorizes an additional \$362,000 to CIP-37-446.0, Chollas Creek Phase One Implementation for the purpose of creek enhancements and restoration along Segment 8. Other grant funding in the amount of \$1.23 million from the Coastal Conservancy was approved through Council Resolution R-2916212, adopted on April 15, 1999. The new total project cost for CIP-37-446.0 is \$1,592,000.

Ewell/Goldberg

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Two actions related to Authorizing Additional Funding for Sewer Group Job 616.

(See memorandum from Frank Belock, Jr. dated 9/11/2002. Uptown Community Area. Districts-2 and 3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-507 Corr.Copy) ADOPTED AS RESOLUTION R-297570

Authorizing the additional expenditure of an amount not to exceed \$770,080.60 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing FY03 - Phase 1 of the project in the amount of \$2,053,093.35 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02096C)

Subitem-B: (R-2003-508) ADOPTED AS RESOLUTION R-297571

Certifying that the information contained in Mitigated Negative Declaration LDR-91-0722 has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of authorizing award and additional funding for Sewer and Water Group Job 616;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City's concrete sewer replacement program. Sewer Group Job 616 will replace approximately 7,319 linear feet of existing 6-inch and 8-inch vitrified clay and concrete sewer mains with new 8-inch sewer main. The existing facilities were installed in approximately 1900 and are undersized, deteriorated, and are in need of replacement. This project will provide a more reliable sewage collection system for the service area. This project also includes the abandonment of approximately 640 linear feet of existing 8-inch and 12-inch existing vitrified clay sewer main located at Dove Canyon, and approximately 1,100 linear feet of existing 6-inch and 8-inch vitrified clay sewer main located at Curlew Canyon. In addition, twenty (20) new pedestrian ramps will be constructed and the streets within the project area will be resurfaced from curb-to-curb.

This project lies in the Mission Hills and Hillcrest neighborhoods of the Uptown Community Planning area, in Brookes Avenue from Curlew Street to First Avenue; First Avenue from Brookes Street to Pennsylvania Avenue; Brant Street from Brookes Street to Pennsylvania Avenue; Upas Street from Goldfinch Street to Dove Street; Goldfinch Street from Walnut Street to Upas Street; Ibis Street from Upas Street to Brookes Street; Walnut Street from Ibis Street to Hawk Street; and portions of Curlew Canyon (formerly Albatross Canyon). Residents will be notified by mail at least one month before construction begins by the City and again ten days before construction begins by the contractor through hand distribution.

The contractor will be required to provide traffic control plans for the City approval and will be required to preserve/relocate existing historical stamps. This project has been presented to the Uptown Community Planning Committee twice and will be presented a third time, to introduce the City's resident engineer and contractor. Funding for this project in the amount of \$2,968,654 was approved by the City Council on April 15, 2002. Bids were opened on May 8, 2002. There were seventeen (17) bid packages issued and five (5) bid packages received. Sim J. Communications was the low bidder with a bid amount of \$2,965,031. Based upon staff's investigation of current economic conditions for the underground utility industry, we do not believe re-advertising will result in lower bids.

FISCAL IMPACT:

The total cost of this project is \$3,738,734.60. Authorizing an additional expenditure of \$770,080.60 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement. This project is scheduled to be phase funded within FY2003. Funding for Phase I (FY2003) is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, in the amount of \$2,053,093.35 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300695.

WWF-02-613.

FILE LOCATION: W.O. 172461/182101

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Additional Funding for Mira Mesa Community Park - Sports Field Lighting.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-906) ADOPTED AS RESOLUTION R-297572

Authorizing an amendment of the Fiscal Year 2003 Capital Improvements

Program Budget by increasing CIP-29-593.0, Mira Mesa Community Park-Sports Field Lighting in the amount of \$53,000, from Fund No. 10365, Park and Recreation Matching Funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$53,000 for CIP-29-593.0, Mira Mesa Community Park-Sports Field Lighting, from Fund No. 10365, Park and Recreation Matching Funds, for the purpose of sports field lighting.

CITY MANAGER SUPPORTING INFORMATION:

Mira Mesa Community Park is located in the community of Mira Mesa in Council District 5. The park supports a number of activities and includes a recreation building, outdoor basketball courts, softball fields and multi-purpose fields. This lighting upgrade will provide recreation level lighting for ball fields #1 and #3. Existing light poles, fixtures and foundations will be removed from Lopez Ridge Park at the request of the Lopez Ridge community. The light poles will be relocated to Mira Mesa Community Park, and new foundations will be provided. The Mira Mesa community requested lighting field #3 instead of field #2. Two additional light poles and new light fixtures are required to address this request.

This action authorizes increased funding of \$53,000 for this project.

FISCAL IMPACT:

Funding was previously allocated to this project in the amount of \$139,000. This request provides for an increase to the project in the amount of \$53,000 to be funded from Fund No. 10365, Park and Recreation (Donation) Matching Funds. With this request, the total project budget will be \$192,000.

Herring/Oppenheim/Penera

Aud. Cert. 2300758.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: Transfer of Funds - Encanto Community Park - Patio Enclosure and ADA Upgrade.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-915) ADOPTED AS RESOLUTION R-297573

Authorizing the City Auditor and Comptroller to transfer \$70,000 from CIP-29-479.0, Fund No. 38078, Martin Luther King Jr., Senior Center to CIP-29-483.0, Encanto Community Park - Patio Enclosure and ADA Upgrade, Fund No. 38076;

Authorizing the City Auditor and Comptroller to transfer \$24,092 from CIP-29-483.0, Fund No. 630221, Encanto Community Park - Patio Enclosure and ADA Upgrade, to CIP-20-013.0, Fund No. 630221 - Park and Recreation Grant Match Funding.

CITY MANAGER SUPPORTING INFORMATION:

The existing Encanto Community Park is located at 6508 Wunderlin Avenue in the Encanto Community Area. This project provides for the conversion of the existing patio area of the Recreation Center Building into an enclosed recreation room, and required upgrades to comply with American with Disabilities Act (ADA). The ADA upgrades include interior and exterior routes, building signage, restroom upgrades, and miscellaneous code compliance improvements..

Bids for this project were opened on December 24, 2002, and the low bid received is 27% over the Engineer's estimate. In order to award a construction contract to the low bidder, an additional \$70,000 is needed. The \$70,000 will be transferred from CIP-29-479.0, Martin Luther King Jr. Senior Center. The senior center project is fully funded through other sources.

FISCAL IMPACT:

The estimated total project cost is \$380,000. Previously authorized funds are \$334,092 of which \$24,092 is being transferred from the Encanto Community Park - Patio Enclosure and ADA Upgrade project back to the Park and Recreation Grant Match Fund, CIP-20-013.0. This amount is in excess of the amount of Grant Match funding previously authorized for the project. The

remaining funds, \$70,000, are available in CIP-29-479.0, Martin Luther King Jr. Senior Center, Fund No. 38078.

Loveland/Belock/AO

Aud. Cert. 2300777.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-117: Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions authorizing Suggestion Awards to employees:

Subitem-A: (R-2003-888) ADOPTED AS RESOLUTION R-297574

Dennis Bovee - Transportation Department - \$960.

Subitem-B: (R-2003-889) ADOPTED AS RESOLUTION R-297575

Lucia Church - Police Department - \$160.

Subitem-C: (R-2003-890) ADOPTED AS RESOLUTION R-297576

John Faxon/Diosdado Torres - Metropolitan Wastewater - \$1,617.36.

Subitem-D: (R-2003-891) ADOPTED AS RESOLUTION R-297577

Patric Guerrero/Zuhair Al-Attia - Engineering & Capital Projects - \$647.55
to be split \$431.70 to Mr. Guerrero and \$215.85 to Mr. Al-Attia.

Subitem-E: (R-2003-892) ADOPTED AS RESOLUTION R-297578

Ngoc Huynh - Engineering & Capital Projects/Water and Wastewater Division
- \$500.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Settlement of Personal Injury Claim of William Freeman, City File #AX02-0512-0167.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-814) ADOPTED AS RESOLUTION R-297579

A Resolution approved by the City Council in Closed Session on Tuesday, December 3, 2002, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay a sum between \$500,000 - \$600,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of William R. Freeman (Superior Court Case No. GIC 783196, William R. Freeman v. Armando Muñoz, et al.);

Authorizing the City Auditor and Comptroller to issue one check not to exceed the sum of \$600,000 made payable to William R. Freeman and his attorney, Law Offices of Keith J. Stone, in full settlement of the lawsuit and all claims.

Declaring that the funds are to be payable from Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of William Freeman, against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 1, 2001.

Lexing/Lopez/JE

Aud. Cert. 2300693.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-119: Designation of Little Italy District.

(District-2.)

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-900) ADOPTED AS RESOLUTION R-297580

Designating the area referenced in Assembly Concurrent Resolution No. 204 as the "Little Italy District."

SUPPORTING INFORMATION:

Assembly Concurrent Resolution 204 (2002, Wayne), requests CalTrans to determine the cost of freeway signage directing traffic to Little Italy and to erect the signs upon receipt of private donations to pay for them. This is subject to the San Diego City Council adopting a resolution designating Little Italy as “The Little Italy District.”

FISCAL IMPACT:

The Little Italy Association has agreed to privately raise the funds to pay for the signs.

Zucchet

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: Jack and Gloria Fishkin Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2003-914) ADOPTED AS RESOLUTION R-297581

Recognizing the combined 50 years of outstanding public service given by Jack and Gloria Fishkin to the residents of San Diego;

Proclaiming January 19, 2003 to be “Jack and Gloria Fishkin Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: Susan Marshall Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-884) ADOPTED AS RESOLUTION R-297582

Commending Susan Marshall for her commitment and dedication to the real estate industry;

Proclaiming January 11, 2003 to be "Susan Marshall Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-122: KPBS Patté Awards Recognition.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-886) ADOPTED AS RESOLUTION R-297583

Recognizing and congratulating Pat Launer and KPBS TV/FM for their dedication and appreciation for the Theater in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-123: Excusing Councilmember Zucchet from the Council Meeting of January 6, 2003.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-885) ADOPTED AS RESOLUTION R-297584

Excusing Councilmember Michael Zucchet from attending the regularly scheduled meeting of January 6, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-124: Excusing Councilmember Madaffer from attending the Council Meeting of January 6, 2003, the regularly scheduled Council Meeting of January 7, 2003 and the Closed Session of January 7, 2003.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-901) ADOPTED AS RESOLUTION R-297585

Excusing Councilmember Jim Madaffer from attending the following meetings:

The Council Meeting of January 6, 2003;
The regularly scheduled Council Meeting of January 7, 2003;
Closed Session of January 7, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-125: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-676) ADOPTED AS RESOLUTION R-297586

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-126: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-792) ADOPTED AS RESOLUTION R-297601, WITH DIRECTIONS

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City

COUNCIL ACTION: (Time duration: 4:54 p.m. - 4:58 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION THAT THE CITY MANAGER AND COUNCIL MEMBERS SHOULD PREPARE AND SEND CORRESPONDENCE TO CONGRESSMEN, CONGRESSWOMEN AND SENATORS URGING THAT THE FEDERAL GOVERNMENT HOLD TO THEIR COMMITMENT TO THE CITY TO PROVIDE FUNDS FOR SECTION 8 HOUSING SO THAT THESE RESOURCES ARE NOT LOST. REQUEST THAT INTERGOVERNMENTAL RELATIONS BE KEPT ABREAST ON THIS ISSUE SO THAT THE CITY COUNCIL CAN BE BRIEFED.

ACCEPT MAYOR MURPHY'S RECOMMENDATION THAT THE RULES COMMITTEE PROVIDE A REPORT ON THE SUBJECT ITEM WHEN THE FEDERAL LEGISLATIVE AGENDA IS DISCUSSED. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-127: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-822) ADOPTED AS RESOLUTION R-297587

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-128: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-799) ADOPTED AS RESOLUTION R-297588

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: In the Matter of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City of San Diego and the San Diego Chargers: Saving Agreement to the Supplement Number Two (Continued from the meeting of January 13, 2003, Item 202).

(Mission Valley Community Area. District-6.)

TODAY'S ACTION IS:

Discussion, consideration and possible action on the proposed Saving Agreement to the Supplement Number Two, approved by the City Council on January 13, 2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-921) ADOPTED AS RESOLUTION R-297602

Authorizing and directing the City Manager to execute for and on behalf of the City the Saving Agreement with the Chargers.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to the terms of the 1995 Agreement, at any time from December 1, 2002, through and including January 29, 2003, the Chargers may send the City a Renegotiation Notice. If the conditions which permit the notice to be sent are met, the notice begins a process by which the team and the City must first negotiate regarding the terms of the 1995 Agreement, but which may ultimately allow the team to seek a new venue outside San Diego and terminate the 1995 Agreement.

On December 16, 2002, on behalf of the Chargers, Mark Fabiani issued a statement proposing that the period during which the team may send the Renegotiation Notice be deferred from the period December 1, 2002, through January 29, 2003, to the period from March 1, 2003, through April 29, 2003. On December 23, 2002, the Citizens Task Force [Task Force] on Chargers Issues, by a 14-1 vote, recommended that the City Council approve the proposal.

The matter was considered by the City Council on January 13, 2003, along with a related Saving Agreement, which would protect the Chargers from waiving its right to send a Renegotiation Notice in the event the proposal to postpone the Renegotiation Notice window was found invalid or otherwise unenforceable. The City Council approved the postponement, embodied in a document entitled Supplement Number Two, but referred the matter of the Saving Agreement to the Task Force. The Task Force considered the matter on January 16, 2003, and by a 13-1 vote (with one member absent) the Task Force recommended that the City Council authorize execution of the Saving Agreement attached to the draft resolution as Exhibit 1. In addition, the Task Force recommended that the City Council reconsider the issue of indemnification after further consultation with the City Attorney. The City Attorney recommended against any indemnification requirement at the meeting on January 13, and maintains that recommendation.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:21 p.m. - 4:00 p.m.)

Motion by Frye to deny the resolution authorizing and directing the City Manager to execute for and on behalf of the City of San Diego the Saving Agreement with the Chargers. Second by Zucchet. Failed. Yeas-2,3,5,6. Nays-1,4,7,8,M.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S AND CITY ATTORNEY'S RECOMMENDATION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE FOR AND ON BEHALF OF THE CITY THE SAVING AGREEMENT WITH THE CHARGERS. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Lewis-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Settlement of the Personal Injury and Property Damage Claim of Glenn Pablo.

(R-2003-857)

Adopted as Resolution R-297531.

A Resolution approved by the City Council in Closed Session on Tuesday, January 7, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$150,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury and property damage to Glenn Pablo, as a result of the incident which occurred on August 21, 2001 (Superior Court Case No. GIC-785234, Glenn Pablo v. Billy Ray Smith and City of San Diego);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Glenn Pablo, his attorney of record Catherine Kroger-Diamond and Sharp Memorial Hospital in full settlement of all claims.

Aud. Cert. 2300714.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision

Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Valley Neighborhood 4 Unit 5

COMMUNITY AREA

North City West

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: Cabrera II.

Matter of approving, conditionally approving, modifying or denying the development of 34 single-family residences on a 6.85-acre property, which was previously approved for 76 multi-family affordable housing units; the creation of three single-family lots from two previously approved single-family lots and the reconfiguration of three other previously approved single family lots to allow for street design modifications. The project site is part of Torrey Highlands Subarea, previously called Subarea IV, of the North City Planned Urbanizing Area. The project site is located south of planned State Route 56 (SR-56) west of Camino Ruiz and north of Deer Canyon.

(Tentative Map/Planned Development Permit No. 9334 [Amendment to PRD No. 98-0292]/Rezone and Street Vacation PTS#2274. Torrey Highlands Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolutions in subitems B and D; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (O-2003-103)

INTRODUCED, TO BE ADOPTED ON
FEBRUARY 10, 2003

Introduction of an Ordinance changing 7.6 acres located south of State Route 56, west of Camino Ruiz and north of Deer Canyon Road, within the Torrey Highlands Subarea Plan, in the City of San Diego, California, from the RM-3-8 multi-family residential zone into the RM-1-1 single-family zone and OP-2-1 open space zone, as defined by San Diego Municipal Code Sections 131.0406 and 131.0202; and repealing Ordinance Nos. 8858 (New Series) and 12657 (New Series), adopted July 18, 1963 and May 22, 1979 respectively (New Series), of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2003-869) ADOPTED AS RESOLUTION R-297589

Adoption of a Resolution certifying that the information contained in the Environmental Impact Report No. LDR 41-1092, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Cabrera II;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2003-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-297590

Adoption of a Resolution granting or denying Planned Development Permit No. 9334, with appropriate findings to support Council action.

Subitem-D: (R-2003-867) GRANTED MAP, ADOPTED AS RESOLUTION
R-297591

Adoption of a Resolution granting Tentative Map No. 9335;

That pursuant to California Government Code Section 66434 (g), all of Torrey Santa Fe Court, a portion of Sierra Mesa Court, a portion of Via Cresta Road and a portion of Cooper Canyon Road, located within the project boundaries as shown in Tentative Map No. 9335, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Torrey Santa Fe Court shall be vacated, contingent upon easement reservations of relocations of gas and electric facilities satisfactory to the San Diego Gas and Electric Company;

That Torrey Santa Fe Court and said portion of Cooper Canyon Road shall be vacated, contingent upon the relocation of water facilities satisfactory to the City Engineer;

That pursuant to California Government Code Section 66434 (g), the following public service easements, located within the project boundaries as shown in Tentative Map No. 9335, shall be vacated, contingent upon the recordation of the approved final map for the project;

1. A portion of the building restricted easement granted on Parcel Map No. 18411.
2. A portion of the general access and utility easement dedicated by Document recorded 9-20-2001 as File No. 2001-0678260. Said easement shall be vacated upon realignment and dedication of a general access and utility easement, satisfactory to the City Engineer.
3. A portion of the pedestrian and non-motor vehicular right of way dedicated on Map No. 14274. Said easement shall be vacated upon realignment and dedication of a pedestrian and non-motor vehicular right of way, satisfactory to the City Engineer.
4. A portion of the open space easement granted on Map 14274. Said easement shall be vacated upon realignment and dedication of an open space easement, satisfactory to the City Engineer.

OTHER RECOMMENDATIONS:

Planning Commission on December 12, 2002, voted 6-0 to approve; no opposition.

Ayes: Anderson, Schultz, Brown, Steele, Lettieri, Garcia
Abstaining: Chase

The Rancho Penasquitos Community Planning Group voted 10:0 to approve the project.

No officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Cabrera II project site is located in the Torrey Highlands Subarea Plan south of planned State Route 56 (SR 56) west of Camino Ruiz and north of Deer Canyon Road. Cabrera II site is within the previously approved Torrey Santa Fe Project which was planned for 76 Affordable Housing (65% AMI) units. On August 5, 2002, the City Council approved the relocation of the Affordable Housing Units to the Torrey Highlands Village Center (LMXU). Therefore, the Cabrera II project proposes to Rezone this site from RM-3-8 to RM-1-1 to allow for single-family development. A Tentative Map is proposed to resubdivide the land into 26 new market rate units as well as redesigning 15 previously approved lots. A Planned Development Permit will amend the Planned Residential Development Permit No. 98-0292 and design guidelines. In order to provide access to the proposed single family lots, the previously approved street system would be modified including vacation and dedication of streets and easements.

TRAFFIC IMPACT:

Cabrera II project is conditioned to conform with the Transportation Phasing Plan for the Torrey Highlands/Subarea IV in the Public Facilities Financing plan dated October 1996. Cabrera II project will generate 186 less ADT than the previously approved Torrey Santa Fe project.

FISCAL IMPACT:

A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

Ewell/Christiansen/FM

LEGAL DESCRIPTION:

The project site is located in the Torrey Highlands Subarea Plan, south of planned State Route 56 (SR-56), west of Camino Ruiz and north of Deer Canyon.

FILE LOCATION: LUP-Cabrera II 1/28/03 (65)

COUNCIL ACTION: (Time duration: 11:26 a.m. - 11:26 a.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B; ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT; AND ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE MAP. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: St. William Church.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit to amend CVPDO permit 90-0607, Coastal Development Permit to amend CDP 93-0190 and Easement Abandonment of a water and sewer easement to allow for a new church, social hall, parish center, educational center, parking facilities, landscape and minor public improvements and demolition of existing buildings on a 14.4-acre site at 4343 Del Mar Trails Road in the SP zone of the Carmel Valley Planned District and Coastal Overlay Zone in the Carmel Valley Community Plan area.

(SDP-5908 - Amending CVPDO-90-0607/CDP-5909 - Amending CDP-93-0190/Sewer and Water Easement Abandonment No. 9559/PTS-3552. Carmel Valley Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2003-871) ADOPT THE RESOLUTION AS R-297592

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-42-0377 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit and coastal development permit for St. Williams Church;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-872) ADOPT THE RESOLUTION AS R-297593

Adoption of a Resolution certifying that a portion of the sewer and water easement located within Lot 1 of Carmel Del Mar Neighborhood 5 East Unit No. 12, Map No. 12984, as more particularly shown on Drawing No. 00081-C, and described in the legal description marked as Exhibit "A," is ordered vacated;

That the City Clerk shall then cause a certified copy of this resolution, to be recorded in the office of the County Recorder.

Subitem-C: (R-2003-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-297594

Adoption of a Resolution granting or denying Site Development Permit No. 5908/Coastal Development Permit No. 5909, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 5, 2002, voted 4 - 0 to recommend approval; was opposition.

Ayes: Chase, Brown, Lettieri, Anderson
Recusing: Schultz, Steele
Not present: Garcia

The Carmel Valley Community Planning Board on October 9, 2002, voted 13:0:0 to recommended approval of the project with four conditions.

SUPPORTING INFORMATION:

St. Williams Church proposes construction of a new church, social hall, parish center, educational center, parking facilities, landscape, minor public improvements and demolition of existing buildings on a site designated for special uses in the Carmel Del Mar Neighborhoods 4, 5, & 6 Precise Plan in the Carmel Valley Community Plan area. The project requires the approval of a water and sewer easement abandonment and a site development permit/coastal development permit. The project conforms with all City Policies and regulations relevant to the proposal.

The Carmel Valley Community Planning Board voted 13:0:0, on October 9, 2002, to recommend approval of the project with four conditions as follows: 1) The parish agrees to not ring bells before 8:30 a.m.; 2) The parish agrees to landscape and maintain the "whiteholed" property located to the southeast of the sanctuary, if and when the property is given to them (they do not currently own this property); 3) In the event that traffic thresholds warrant a stop sign at the corner of Mona Lisa and Del Mar Trails, the parish agrees to install this stop sign; and 4) The parish agrees to consider staggering of school start times if and when traffic becomes an issue for the neighborhood. City staff has included only the first of the four requested conditions in the draft permit.

At the Planning Commission hearing on December 5, 2002, the Commission voted 4:0:0 to recommend approval of the staff recommendation.

The St. William Church proposed expansion is estimated to generate approximately 244 average daily trips. The additional traffic resulting for the proposed expansion will not create impacts to the surrounding circulation system.

The proposed project is subject to the requirements for erosion control in the City's Grading Ordinance and the federal Clean Water Act. Conformance with the Clean Water Act would be established through compliance with the requirements of the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002.

A SWPPP would be filed addressing construction and post-construction BMPs and storm water requirements in accordance with state and federal guidelines. BMPs addressing water quality control measures include the prevention of erosion or sedimentation build up, source control measures for fuel and lubricants used during construction and post-construction use of fertilizers, pesticides, or other pollutants, the maximization of porous surfaces in developed areas, and good maintenance practices. The future maintenance of all BMP systems will be the responsibility of St. William Church.

City staff recommends certification of the Mitigated Negative Declaration No. 42-0377 and adoption of the Mitigation Monitoring and Reporting Program; and approval of the Water and Sewer Easement Abandonment No. 9559, Site Development Permit No. 5908 and Coastal Development Permit No. 5909.

TRAFFIC IMPACT:

The proposed St. Williams Church expansion is estimated to generate approximately 244 average daily trips (ADT). 50 of these trips are estimated to occur on State Route 56 west of Carmel Country Road, which has an estimated near-term plus project volume of 30,050 ADT. The proposed expansion will be completed by 2004. The project's traffic impacts to the surrounding area would be minimal.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located at 4343 Del Mar Trails Road, in the community of Carmel Valley and is more particularly described as Carmel Valley, Neighborhood 5 East, Unit 12, Map No. 12984 in the City and County of San Diego.

FILE LOCATION: SUBITEMS A & C: LUP-St. William Church 01/28/03 (65)
SUBITEM B: DEED F-9382

COUNCIL ACTION: (Time duration: 11:26 a.m. - 11:29 a.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B;
AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT WITH
THE FOLLOWING CONDITIONS:

- 1) THE PARISH SHALL MAKE A GOOD FAITH EFFORT TO ACQUIRE THE PROPERTY LOCATED SOUTHEAST OF THE SANCTUARY AND IF IT IS SUCCESSFUL, SHALL LANDSCAPE AND MAINTAIN THAT PROPERTY IN A MANNER THAT IS CONSISTENT WITH THE BALANCE OF THE PROJECT.
- 2) IF COMPLAINTS ARE FILED WITH THE PARISH OR CITY TRAFFIC OPERATIONS DIVISION THAT THE QUEUE IN THE MORNING FOR SCHOOL IS SPILLING INTO THE RIGHT OF WAY, THE SCHOOL WILL COOPERATE WITH THE CITY'S TRAFFIC OPERATIONS DIVISION TO ADDRESS THIS ISSUE BY STAGGERING SCHOOL START TIMES.

IN ADDITION, COUNCIL MEMBER PETERS REQUESTED THAT IF THE PLANNING BOARD FEELS A STOP SIGN IS NEEDED AT MONA LISA/DEL MAR TRAILS IN THE FUTURE, THE CITY MANAGER IS DIRECTED TO INSTALL ONE PER COUNCIL POLICY 200-08.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Amending FY 2003 CIP Budget - Mission Heights Park Playground.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-912) ADOPTED AS RESOLUTION R-297603

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Program Budget by adding CIP-29-674.0, Mission Heights Park Playground;

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Program Budget by adding CIP-29-674.0, Mission Heights Park Playground, in the amount of \$30,000 from the following funding sources: \$8,809.03 from Fund No. 18537, Community Development Block Grants (CDBG) Funds; and \$21,190.97 from Fund No. 79503, Linda Vista Developer Impact Fees (DIF) Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$21,190.97 from CIP-29-674.0, Mission Heights Park Playground, from Fund No. 79503, Linda Vista Developer Impact Fees (DIF) Fund;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds from CIP-29-674.0, Mission Heights Park Playground, if any, to the appropriate reserves.

Approving the amendment of the Linda Vista Public Facilities Financing Plan to include the Mission Heights Park Playground project.

CITY MANAGER SUPPORTING INFORMATION:

Emergency work is required for an arson-damaged playground at Mission Heights Park, located 1716 Westinghouse Street, in the Linda Vista Community Planning Area. In order to reduce the hazard posed by the damaged equipment at this site, a contractor has been dispatched to perform the removal of the hazardous components of this playground.

Amendment of the Linda Vista Public Facilities Financing Plan is proposed to include this project in the project summary pages.

Approval of this funding will provide demolition and replacement of the play equipment to restore the playground to its original condition which met Federal and State safety and accessibility standards.

Herring/Oppenheim/AP

Aud. Cert. 2300772.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:47 p.m. - 4:53 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Core District Phase I Streetlights.

(See Centre City Development Corporation Report CCDC-03-01. Centre City
Redevelopment Project. District-2.)

CENTER CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-903) ADOPTED AS RESOLUTION R-297595

Finding and determining that the installation of streetlights in the Core Redevelopment District (within the area bounded by 7th and 12th Avenues and "E" and "A" Streets) for which the Agency proposed to pay are of benefit to the Centre City Redevelopment project area; that no other reasonable means for financing the proposed improvements are available to the community; that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project Area; that the installation of the streetlights is consistent with the Implementation Plan for the Project Area adopted and amended by the Agency, pursuant to California Health and Safety Code Section 33490.

NOTE: See the Redevelopment Agency Agenda of January 28, 2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:41 a.m. - 11:41 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Lewis. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Approval of an increase to the Contract with Wier Construction Corporation for
Public Improvements Required for the Valencia Business Park.

(See memorandum from SEDC dated 1/1/2003. Southeastern San Diego
Community Area. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2003-908) ADOPTED AS RESOLUTION R-297596

Accepting a loan repayment from the Redevelopment Agency in the amount of
\$337,997 from the Mount Hope Redevelopment Project Area;

Authorizing the transfer of \$337,997 from the City of San Diego as an interest
bearing loan to the Redevelopment Agency to be used in the proposed Fiscal Year
2003 project budget to augment the Central Imperial Redevelopment Project Area
for project implementation costs;

Amending the Fiscal Year 2003 SEDC Program Budget to reflect the \$337,997
interest bearing loan to the Central Imperial Redevelopment Project Area to be
used for project implementation costs;

Declaring that the \$2,221,459 previously loaned to the Agency and allocated to
the Central Imperial and Southcrest Redevelopment Project Areas by Resolution
R-296709 be reallocated: \$1,371,459 to the Central Imperial Redevelopment
Project, and \$850,000 to the Southcrest Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of 1/28/2003 for a companion item.

Aud. Certs. 2300710 and 2300723.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:41 a.m. - 11:41 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Super Bowl XXXVII Host Committee Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-918) ADOPTED AS RESOLUTION R-297597

Commending the San Diego Super Bowl XXXVII Host Committee for their
accomplishments in a successful Super Bowl;

Proclaiming January 28, 2003 to be "San Diego Super Bowl XXXVII Host
Committee Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m.- 10:32 a.m..)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following
vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Constitutionality of the City's Regulation of "For Sale" Signs on Parked Vehicles.

(See City Attorney Report dated 1/14/2003.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-102) REFERRED TO THE PUBLIC SAFETY AND
NEIGHBORHOOD SERVICES COMMITTEE

Introduction of an Ordinance amending Chapter 8, Article 6, of the San Diego Municipal Code by amending Section 86.23 relating to Use Of Streets For Storage, Service, or Sale of Vehicles, or for Habitation in Vehicles.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:42 a.m. - 11:58 a.m.)

MOTION BY LEWIS TO REFER THE ITEM TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S502: Appointments and Reappointments to the Small Business Advisory Board.

(See memorandum from Mayor Murphy dated 1/15/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-919 Cor. Copy) ADOPTED AS RESOLUTION R-297598

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Small Business Advisory Board, for terms and representing categories as indicated:

<u>Name</u>	<u>Term Ending</u>	<u>Category</u>
Badi Badiozamani (reappointment)	July 1, 2004	Member at Large (Small Business Owner)
Kurt A. Chilcott (reappointment)	July 1, 2004	Member at Large (Financial)
Scott C. Cummins (replacing Tyler Orion)	July 1, 2003	Member at Large (Legal)
James Hill (reappointment)	July 1, 2003	Member at Large (Small Business Owner)
Judy Preston (replacing Alice Tana)	July 1, 2003	Member at Large (Small Business Owner)
Richard G. Sims (reappointment)	July 1, 2004	Member at Large (Small Business Owner)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S503: Coalition for Reproductive Choice Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-920) ADOPTED AS RESOLUTION R-297599

Recognizing the outstanding contributions that the Coalition for Reproductive

Choice has made toward supporting the full range of reproductive rights for all people in the City of San Diego;

Proclaiming January 22, 2003 to be "Coalition for Reproductive Choice Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S504: Two actions related to Police Headquarters Building Energy Efficiency and Generation Project.

(See City Manager Report CMR-03-012. Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-105) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 10, 2003

Introduction of an Ordinance authorizing the City Manger to execute a Fourth Amendment to the Master Energy Conservation Services Agreement of November 22, 1999, with Onsite Energy Corporation, for services in connection with the Police Headquarters Building Energy Efficiency and Generation Project.

Subitem-B: (R-2003-907) ADOPTED AS RESOLUTION R-297604

Authorizing the City Manager, or his designee to accept self-generation and energy efficiency buy-down incentives from the San Diego Regional Energy Office and San Diego Gas & Electric Company in the amount of \$718,842 to offset the one-time payment to Onsite Energy Corporation of \$684,533;

Authorizing the expenditure of an amount not to exceed \$684,533 from the Police Department Fiscal Year 2004 Operating Budget, Fund No. 100, Department 110, to provide funds for a one-time payment due to Onsite Energy Corporation, to be paid within ninety days after project completion and contingent on receipt of buy-down incentives from the San Diego Regional Energy Office and San Diego Gas & Electric Company and appropriation by the Council in Fiscal Year 2004 budget;

Authorizing the expenditure of the Guaranteed Energy Savings from the Police Department's General Fund Operating Budget, Fund No. 100, Dept. 110, to be used for capitalizing and financing the energy efficiency measures set forth in the Fourth Amendment, on adoption by Council, in a total amount not to exceed \$6,373,170 over the twelve-year period of the Fourth Amendment, provided that the City Auditor and Comptroller furnishes certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 4:59 p.m. - 5:06 p.m.)

MOTION BY ZUCCHET TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S505: Interim Single Room Occupancy Ordinance.

(See San Diego Housing Commission Report CCR-03-001.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2003-108) REFERRED TO LU&H COMMITTEE

Introduction and adoption of an Emergency Ordinance amending the San Diego Municipal Code by amending Chapter 11, Article 3, Division 1, Section 113.0103; amending Chapter 14, Article 3, Division 5, Section 143.0570.

NOTE: **6** votes required pursuant to Section 17 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:45 p.m. - 6:00 p.m.)

MOTION BY INZUNZA TO REFER TO THE LU&H COMMITTEE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:01 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:01 p.m.)